

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARLOS LOZADA,

Plaintiff,

-against-

NEW YORK CITY POLICE DEPARTMENT,
ROBERT M. MORGENTHAU, DISTRICT ATTORNEY,
OF NEW YORK COUNTY, MATTHEW MCCLUSKY,
CHRISTOPHER MCGEE, SERGEANT (FIRST NAME
UNKNOWN) LEE,

Defendant.
-----X

Affidavit of Service

Docket No.: 09CV10072 (PAC)

STATE OF NEW YORK)

) ss:

COUNTY OF NASSAU)

I, GILBERT PIZARRO, being duly sworn, depose and say:

1. That I am over 18 years of age, am not a party to this action and I reside at:
1223 Whiteside Avenue, Franklin Square, New York 11010
2. That on the 3rd day of April, 2010, at 10:00 am/pm (circle one) at:
230 West 20th Street, New York, NY 10011,
State of New York, I personally served the Summons in a Civil Action and Civil Complaint upon SERGEANT (First Name Unknown) LEE, the defendant in the above-mentioned action, by delivering to and leaving copies with Sergeant Anitra, Badge # 1857 at said time and place.
3. The location of service as described above is the actual place of business for SERGEANT (First Name Unknown) LEE.
4. Sergeant Anitra, Badge # 1857, was of suitable age and discretion and I can describe her to the best of my ability at the time and circumstances of service as follows: Sex: Female; Skin: Fair; Hair: Long Brown; Age (Approx): 35; Height (Approx): 5'3" to 5'6"; Weight (Approx): 135; Other:
5. I asked Sergeant Anitra, Badge # 1857, if SERGEANT (First Name Unknown) LEE was in the military in any capacity and received a negative reply. She proceeded to tell me that SERGEANT (First Name Unknown) LEE would be there that night, but she would not give me a time. Upon my request for same, Sergeant Anitra, Badge # 1857 refused to provide the first name and badge number of SERGEANT (First Name Unknown) LEE.
6. Upon information and belief, I aver that SERGEANT (First Name Unknown) LEE is not in the military service of New York State of the United States as that term is defined in the statutes of New York State of the Federal Soldiers and Sailors Civil Relief Act.
7. On April 6, 2010, I mailed a copy of the Summons in a Civil Action and Civil Complaint to SERGEANT LEE at his actual place of business 230 West 20th Street, New York, NY 10011, in an envelope bearing the legend "PERSONAL AND CONFIDENTIAL" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.
8. I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn to before me this
6th day of April, 2010


NOTARY PUBLIC


GILBERT PIZARRO

UNITED STATES DISTRICT COURT
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Plaintiff,

-against-

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ROBERT M. MORGENTHAU, DISTRICT ATTORNEY
OF NEW YORK COUNTY, MATTHEW MCCLUSKY,
CHRISTOPHER MCGEE, SERGEANT (FIRST NAME
UNKNOWN) LEE,

Defendants.

X

AFFIDAVIT OF SERVICE

DIANA LOZADA RUIZ, ESQ.
Attorney at Law
Attorneys for the Plaintiff
P.O. Box 604
Mineola, NY 11501
(516) 499-3229

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: 4/6/2010



Diana Lozada Ruiz, Esq.

Service of a copy of the within

is hereby admitted.

Dated: _____

Attorney(s) for
